

### **AMENDMENTS TO THE DRAWINGS**

The attached formal "Replacement Sheets," which include Figures 1-12, replace the original sheets including Figures 1-12.

Attachment: Replacement Sheets

### **REMARKS**

Claims 1, 6-10, 12, 14, 15 and 19-23 are now pending in the application. Claims 2-5, 11, 13, 16-18 and 24-37 are cancelled herein. Claim 1 is amended herein to include the subject matter of claims 4 and 5. Claim 7 is amended herein to be in independent form. Claim 12 is amended herein to contain the subject matter of claims 17 and 18. Claim 20 is amended herein to be in independent form. No new matter has been added. Claims 1, 4-10, 12, 14, 15 and 17-23 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **DRAWINGS**

The drawings stand objected to for certain informalities. Applicants have attached "Replacement Sheets" of formal drawings for the Examiner's approval. It is believed that the formal drawings correct the deficiencies in the drawings originally filed with the patent application. Accordingly, withdrawal of the objections to the drawings is requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1, 4-10, 12, 14, 15 and 17-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

Independent claims 1, 7, 12 and 20 are amended herein to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. It is believed that with these amendments, the claims are no longer indefinite. Claims 6, 8-10, 14, 15, 19 and 21-23 all depend from one of claims 1, 7, 12 and 20 and, therefore,

for at least the reasons stated above with reference to these claims are also not indefinite. Accordingly, withdrawal of the instant rejection is requested.

**REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 4-6, 8-10, 12, 14, 15, 17-19 and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bergman et al. (U.S. Pat. No. 5,967,228). This rejection is respectfully traversed.

Claim 1 calls for “at least one continuous heat transfer fin . . . conductively attached to one of the first or second heat transfer surfaces and substantially extending along an entirety of the length of the tube . . . at least one heat transfer fin of the plurality of heat transfer fins is conductively attached to the first heat transfer surface, and a different at least one heat transfer fin of the plurality of heat transfer fins is conductively attached to the second heat transfer surface.” Similarly, claim 12 calls for “at least one continuous heat transfer fin . . . conductively attached to one of the first or second heat transfer surfaces and substantially extending along an entirety of the length of the tube . . . at least one heat transfer fin of the plurality of heat transfer fins is conductively attached to the first heat transfer surface, and a different at least one heat transfer fin of the plurality of heat transfer fins is conductively attached to the second heat transfer surface.” It is respectfully submitted that this subject matter is not disclosed, taught nor suggested in either the Bergman et al. reference nor the prior art of record.

Rather, the Bergman et al. reference discloses a single continuous heat transfer fin in the form of a wrapping of heat conductive, flexible spine fin material 28. Spine fin material 28 is an elongated strip that is helically wrapped into direct heat exchange

contact with the external surface 36 of tubing 26 and can be bound thereto by use of an adhesive. Spine fin strip 64 is applied to tubing 26 by winding successive turns about external tube surface 36. See at least column 3, lines 1-3, 19-21 and 42-67, along with Figure 11 of the Bergman et al. reference. Accordingly, the Bergman et al. reference discloses and teaches the use of a single continuous fin that is helically wrapped on all the heat transfer surfaces of the tubing for substantially an entire length of the tubing. This is in direct contrast to the subject matter of claims 1 and 12 which call for different heat transfer fins on the first and second heat transfer surfaces. Accordingly, for at least this reason it is respectfully submitted that claims 1 and 12 are not anticipated by and are patentable over the Bergman et al. reference.

Furthermore, it is respectfully submitted that the other prior art of record also does not disclose nor teach the subject matter of claims 1 and 12. For example, neither the Pasternak reference (U.S. Patent No. 4,298,062), the Diesel Kiki Co. Ltd. reference (JP 58-200998), nor the Pestiaux reference (FR 597,464) disclose a continuous fin as called for. Additionally, the Asano reference (JP 64-46580) fails to disclose separate heat transfer fins that are attached to the first and second heat transfer surfaces as called for. Accordingly, for at least these additional reasons it is respectfully submitted that claims 1 and 12 are patentable over the prior art of record.

Claims 6, 8-10, 14, 15, 19 and 21-23 all depend from one of claims 1 and 12 and, therefore, for at least the same reasons stated above with reference to claims 1 and 12 are also patentable over the prior art of record. Accordingly, withdrawal of the instant rejection is requested.

### ALLOWABLE SUBJECT MATTER

The Examiner states that claims 7 and 20 would be allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph, rejection set forth in this Office Action and to include all the limitations of the base claim and any intervening claims. Applicants have amended claims 7 and 20 to include the subject matter of the base claim and any intervening claims and also to overcome the § 112 rejection. Therefore, it is respectfully submitted that claims 7 and 20 are now in condition for allowance and allowance of claims 7 and 20 is requested.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: December 6, 2004

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